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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,479	05/31/2001	Nischal Abrol	000256	1536

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/06/2007.

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Office Action Summary

Application No.

09/871,479

Applicant(s)

ABROL ET AL.

Examiner

Brenda Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/20/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**BRENDA PHAM
PRIMARY EXAMINER**

Brenda H. Pham

1/22/07

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 currently pending in the application.

Response to Arguments

2. Applicant's arguments filed December 12, 2006 have been fully considered but they are not persuasive. Applicants' argued in the REMARKS, page 6 that Kim does not teach "resynching if there is a new network server for a PPP link". Examiner respectfully disagrees with Applicants because Kim et al indeed teach this arguable feature. As explained in the rejection statement of claim 1, when mobile station roaming to a new base station, in order to be associated with a new RNC (network server), the mobile station must be associated with a new Base Station. The resynching step to resynchronized the existing PPP link with the new RNC (network server) so that the mobile station may continue to communicate via the same link.

Applicants further argue that, "A network server is distinct from a RNC as recited in Kim. As state in Kim, "a radio network controller (RNC for controlling a radio channel allocation to the mobile station and for controlling, matching the network, a path of a packet service or a circuit data service...The device in Kim essentially allocates channels, which is an entirely different function from a server."

Examiner respectfully disagrees. The RNCs in Kim are network servers because they provide radio channel allocation to the mobile station and for controlling, matching the network, a path of a packet service or a circuit data server to network

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communication mobile station. There is nothing recites in the claims that indicate the distinction between the arguable network server and Kim's RNC.

Examiner believes Kim in view of (Kumar, Rasanen, Ludwig, Kalliokuju and Basillier) disclose all claimed limitation recited in the claims. Therefore, the rejection stands.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 9, 12, 14 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by KIM (US 6,519,235 B1).

(The RNCs of Kim are equivalent to the network servers of the present invention; they are distinct from MSCs (see Kim figure 2, elements 14 and 15).

Regarding claims 1, 12, 16-18, a base station apparatus and method for re-synchronizing a PPP link is disclosed in KIM. Detecting a trigger indicating whether a remote station is associated with a new base station is disclosed in Kim, (figure 6a showing new and previous RNCs), and figure 2, elements 13 and 14 (in order to be associated with a new RNC, the MT must be associated with a new BS). Determining whether the new base station is associated with a new network server, and re-

synchronizing the PPP link if the remote station is associated with a new network server is disclosed in figure 6a (showing procedures that synchronize the existing PPP link with the PDGN and the new RNC so that the MT may continue to communicate via the same link) and column 6, lines 4-19.

Regarding claims 3 and 14, the detecting comprising detecting a message indicating a handoff is disclosed in Kim, column 6, line 7.

Regarding claim 9, Kim further teach the network server comprising IWF (see column 1, lines 13-16).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19, 21, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over over KIM (US 6,519,235 B1).

Regarding claims 19 and 23, Kim discloses a base station apparatus in figure 2, element 13, Means for detecting a trigger indicating whether a new remote station is associated with a base station, the processor being further adapted to determining whether the base station is associated with a new network server is disclosed in Kim

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figure 6a (showing new and previous RNCs, or network servers), and figure 2, element 13 and 14 (in order to be associated with a new RNC, the MT must be associated with a new BS). Claim 19 further specifies that the detecting is done by a processor, which is not specifically disclosed in Kim. However, a base station would normally have a processor to carry out such functions.

It would have been obvious to one skilled in the art at the time of the invention was made to have a processor do the detecting. The motivation would be to use a part of the base station that is normally used to carry out the functions of the base station. A receiver adapted to receive and a transmitter adapted to transmit PPP re-synchronization signals, the receiver and transmitter being connected to the processor, is disclosed in figure 6a (showing procedures that synchronize the existing PPP link with PDGN and the new RNC via the BS transmitter and receiver so that the MT may continue to communicate via the same link) and column 6, lines 4-19.

Note: Examiner does not give weight to limitation "adapted to" or "being adapted to". Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

Regarding claim 21 and 25, the detecting comprising detecting a message indicating a handoff is disclosed in Kim, column 6, line 7.

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7. Claims 4, 11, 15, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 6,519,235) in view of Kumar (US 6,757,270).

Regarding claims 4, 15, 22 and 26, the detecting comprising detecting coming out of dormancy is missing from Kim. However, this is disclosed in Kumar, column 3, lines 59, column 4, line 9 (disclosing the need for synchronization during the reactivation process).

It would have been obvious to one skilled in the art at the time of the invention was made to re-synchronize in the event of reactivation of the mobile. The motivation would be to allow the formerly dormant mobile to resume communications via a functioning dedicated channel, which it did not have during dormancy (Kumar, column 3, lines 62-65).

Regarding claim 11, the remote station functioning in a CDMA environment is missing from Kim. However, Kumar discloses in column 1, lines 20, and PDSN system functioning in a CDMA network.

It would have been obvious to those having ordinary skill in the art at the time of the invention to use the PSGNs of Kim in the CDMS system of Kumar. The motivation would be to provide high-speed data packet service in a common type of cellular environment (see Kim, column 1, lines 8-10).

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8. Claims 2, 13, 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Rasanen (US 5,920,545).

The detecting comprising detecting an RLP reset is missing from Kim. However, Rasanen discloses in column 2, lines 35-37, and column 7, lines 4-6, that the RLP reset state causes the releasing of a connection when the quality of the link degrades to a certain level.

It would have been obvious to one skilled in the art at the time of the invention to resynch the PPP connection when an RLP reset was detected. The motivation would be to resynch the remaining connections to the mobile terminal when it releases one of its connections.

9. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Ludwig (US 6,487,218).

Regarding claims 5-7, the determining comprising whether a received packet is a control packet is missing from Kim. However, Ludwig discloses that control packet, such as LCP request packet and IPCP request packets, are exchanged whenever a link is established in column 4, lines 44-62. Kim further discloses in column 6, lines 35-62, synchronizing while establishing a new link.

It would have been obvious to those having ordinary skill in the art at the time of the invention to use control packets to determine when to synchronize. The motivation would be to use packets that are normally exchanged when an event that will necessitate synchronization occurs.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Kalliokulju (US 6,385,451).

Regarding claim 8, the re-synchronizing being done only on the Um interface is missing from Kim. Kalliokulju discloses in column 4, lines 1-3, that the wireless communications device is coupled to the base station via radio interface Um.

It would have been obvious to those having ordinary skill in the art at the time of the invention to do the synching on Um. The motivation would be to synch the connection between the mobile and the base station.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Basiller (US 6,728,536).

The network server comprising a PDSN is missing from Kim. However, Basiller discloses in column 4, lines 2-4, use of a PSDN in a mobile network.

It would have been obvious to one skilled in the art at the time of the invention to use a PDSN as the network server. The motivation would be to support packet communications.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

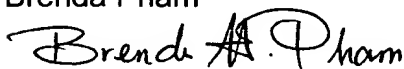
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

January 22, 2007
Brenda Pham



BRENDA PHAM
PRIMARY EXAMINER